

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT HUNTINGTON

UNITED STATES OF AMERICA,

Respondent,

V.

CRIMINAL NO. 3:02-00231
(CIVIL ACTION NO. 3:04-1001)

JOHN DAVID MOONEY,

Movant.

ORDER

The United States has filed a response to the §2255 motion of John David Mooney contending that he is not entitled to the relief sought. If movant intends to respond he shall file a reply within twenty days from the date of entry of this Order, and it is so **ORDERED**.

Movant, of course, has the right to file a reply in opposition to the government's response. Movant is advised that, ordinarily a failure to respond within the allowed time can support a conclusion that respondent's contentions are undisputed. As a consequence, in the absence of a response, it is likely that your case will be dismissed.

Any response should be accompanied by a brief or memorandum containing a concise statement of reasons for your opposition and a citation of authorities relied upon. In preparing a response, movant should be aware of the fact that a false statement under oath or penalty of perjury may be a crime punishable as provided by law.

The original of a response should be filed with the Clerk of the Court and a copy served on counsel representing the United States. Any pleadings presented to this Court for filing must be accompanied by a certificate stating that a copy has been served on counsel for respondent.

Following service of movant's response, if such is filed, respondent will have seven days within which to reply and the parties are advised that, after the time provided for responses, the Court will consider the motion ready for decision.

The Clerk is directed to mail a copy of this Order to movant and counsel of record.

ENTER: April 7, 2005


MAURICE G. TAYLOR, JR.
UNITED STATES MAGISTRATE JUDGE